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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,253	12/15/2003	Junichi Mashiko	1080.1133	2285

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/734,253

Applicant(s)

MASHIKO ET AL.

Examiner

Romain Jeanty

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/15/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office action is in response to the filing of this application. Claims 1-14 are present in the application

### **Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts of:
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Furthermore, mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

While claims 1-7 produce a useful, concrete, and tangible result, they are deemed to be non-statutory for failure to apply, involve, use, or advance the technological arts. In order to overcome this rejection, it is respectfully suggested that the claims be amended to expressly incorporate technology (i.e., a computer processor) as performing at least one of the steps of the invention (i.e., an analysis step. Appropriate correction is required.

#### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 8-11 are rejected under 35 U.S.C. 102(b) as being unpatentable over Koreeda et al (U.S. Patent No. 5,781,731).

As per claims 1, 10, Koreeda et al disclose a conference management support system. In so doing, Koreeda et al disclose accepting section which accepts necessary information needed for scheduling of a given conference (i.e., accepting the conference contents) (col. 11, lines 15-17), the necessary information containing a scheduled time of the entire conference as well as minimum guaranteed time which needs to be secured at the minimum and desired (col. 9, lines

Art Unit: 3623

66 through col. 10 line 18), normally requested time for each subject to be addressed, and a schedule planning section which plans a schedule for the conference based on the necessary information accepted by the information accepting section (col. 4, lines 19-60).

As per claim 2, Koreeda et al further disclose wherein the information accepting section further accepts input of priority of time allocation for each subject to be addressed (col. 11, lines 22; and the schedule planning section allocates the normally requested times to the subjects in descending order of priority among the subjects to be addressed at the conference according to the priority accepted by the information accepting section within the scheduled time of the entire conference and allocates the minimum guaranteed times to the remaining subjects to be addressed at the conference other than the subjects to which normally requested times are allocated (col. 1, lines 49-67).

As per claim 3, Koreeda et al further disclose the conference management assistance apparatus wherein the information accepting section further accepts input of the order in which the subjects will be addressed at the conference, and the schedule planning section plans a schedule according to the order at the conference, accepted by the information accepting section (col. 1, lines 49-66).

As per claim 4, Koreeda et al further disclose the conference management assistance apparatus according to claim 1, comprising a schedule display section which displays the schedule planned by the schedule planning section (See figure 2 element 300).

Claim 8 recites the same limitations of rejected claim 1 above; therefore claim 8 is rejected under the same rationale relied upon of rejected claim 1 above.

Art Unit: 3623

Claim 9 recites the same limitations of rejected claim 2 above; therefore claim 9 is rejected under the same rationale relied upon of rejected claim 2 above.

Claim 10 recites the same limitations of rejected claim 3 above; therefore claim 10 is rejected under the same rationale relied upon of rejected claim 3 above.

As per claim 11, Koreeda et al further disclose the conference management assistance apparatus according to claim 1, comprising a schedule display section which displays the schedule planned by the schedule planning section (See figure 2 element 300).

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-7, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koreeda et al (U.S. Patent No. 5,781,731) in view of Yamamoto (U.S. Patent No. 5,991,276).

As per claim 5-6, Koreeda et al disclose all of the limitation above but fail to disclose a management section which measures the time from the start of discussion of the subjects addressed at the conference and gives a notice when a scheduled discussion end time of a subject under discussion comes according to the schedule planned by the schedule planning section. However, Yamamoto discloses a videoconference system which efficiently deliver video conference comprising of notifying participants of starting and ending time of a conference (col. 12 lines 51-60). It would have been obvious to a person of ordinary skill in the art to modify the

Art Unit: 3623

disclosures of Koreeda et al to include the teachings of Yamamoto in order to realize a more realistic teleconferencing environment.

As per claims 7, and 14, Koreeda et al further disclose when the scheduled discussion end time of the subject under discussion comes, the information accepting section selects whether to terminate discussing the subject under discussion and if the discussion is to be continued (See rejection of claim 5 above), in addition, Koreeda et al discloses the information accepting section accepts modification of the necessary information which has already been accepted by the information accepting section (col. 26, lines 26-38), and the schedule planning section replans a subsequent schedule for the conference in progress based on the modification of the necessary information would have been obvious to a person of ordinary skill in the art in order to eliminate conflict.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lapstum et al (US 2003/0105818A1) disclose a system for enabling remote conferencing between conference participants.

b. Levinson (U.S. Patent No. 6,381,580) discloses the concept of replanning a user's schedule based on changes.

c. Horibe et al (U.S. Patent No. 6101532) discloses an electronic conference system.

Art Unit: 3623


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

June 12, 2005

  
**ROMAIN JEANTY**  
**PRIMARY EXAMINER**  
*Art Unit 3623*